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Amendment and Response

Applicant: Thane M. Larson et al.

Serial No.: 10/678,826

Filed: October 3, 2003

Docket No.: 10012577-3

Title: LCD PANEL FOR A SERVER SYSTEM

REMARKS

The following remarks are made in response to the Non-Final Office Action mailed October 6, 2006. In that Office Action, claims 1-4, 6, and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cranston, III, et al., U.S. Patent No. 6,049,449 ("Cranston") in view of Searle et al., U.S. Patent No. 5,684,654 ("Searle"). Claims 5 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cranston in view of Searle et al., as applied to claims 1-4, 6, and 7, and further in view of the Background of the present application.

With this Response, claims 1 and 19 have been amended. Claims 1-7 and 19 remain pending in the application and are presented for reconsideration and allowance.

35 U.S.C. §103 Rejections

Claims 1-4, 6, and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cranston, III, et al., U.S. Patent No. 6,049,449 ("Cranston") in view of Searle et al., U.S. Patent No. 5,684,654 ("Searle"). Amended independent claim 1 is directed to a server system, and recites "a server management card coupled to the plurality of printed circuit assemblies, the server management card monitoring and managing operation of the server system, the server management card receiving and storing status information from the plurality of printed circuit assemblies", and "a user selectable lockout mechanism for gaining and releasing electronic control of the server management card."

The Examiner stated that Cranston discloses "a server management card (61, column 4, line 58)". (Office Action at para. no. 2, page 2). Element 61 of Cranston is a riser card that serves as a means for electrically and mechanically connecting accessory cards to planar circuit board 51. (Cranston at col. 4, lines 52-54). The Examiner has not identified any disclosure in Cranston that teaches or suggests that the riser card 61 **monitors and manages operation** of anything, let alone a server system as recited in claim 1. The Examiner has not identified any disclosure in Cranston that teaches or suggests that the riser card 61 **receives and stores status information** from a plurality of printed circuit assemblies, as recited in claim 1. The Examiner's argument ignores words used in claim 1, which is improper under established precedent. "All words in a claim must be considered in judging the patentability

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of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). "A patent applicant is free to recite features of an apparatus either structurally or functionally." *In re Schreiber*, 44 USPQ2d 1429, 1432 (CAFC 1997) citing *In re Swinehart*, 439 F.2d 210, 212, 169 USPQ 226, 228 (CCPA 1971).

In addition, there is no teaching or suggestion in Cranston that the computer system disclosed therein could or should be configured as a server system. There is no teaching or suggestion in Cranston that the riser card 61 could or should be configured as a server management card. There is no teaching or suggestion in Cranston that the riser card 61 performs any server management functions.

The Examiner acknowledged that "Cranston does not specific (sic) disclose the first LCD panel including a user selectable lockout mechanism having a lockout key and including a LED". (Office Action at para. no. 2, page 2). The Examiner stated that "Searle teaches a data storage unit (10); see figure 1 comprising a control panel (16, column 2, line 49), the panel includes a LCD (126) having a lockout mechanism key including LED (128, 132), see figure 7." (Office Action at para. no. 2, page 3). Searle is directed to a storage unit for storing data external to a computer system (see, e.g., Searle at Abstract, and col. 2, lines 45-50), and includes no teaching or suggestion regarding a server system, a server management card of a server system, or an LCD panel with a user selectable lockout mechanism for gaining and releasing electronic control of a server management card. Searle discloses a mechanical lock 128 (Figure 7), but there is no teaching or suggestion in Searle regarding gaining and releasing electronic control of a server management card with lock 128. To argue that the disclosure in Searle regarding a mechanical lock 128 teaches or suggests "a user selectable lockout mechanism for gaining and releasing electronic control of the server management card" requires that words of this limitation be completely ignored, which, as addressed above, is improper under established precedent.

In view of the above, independent claim 1 is not taught or suggested by Cranston and Searle, either alone, or in combination. Applicant respectfully requests removal of the rejection of claim 1 under 35 U.S.C. §103(a), and requests allowance of this claim. Dependent claims 2-4, 6, and 7 further define patentably distinct claim 1, and are believed to

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be allowable over the cited prior art. Applicant respectfully requests removal of the rejection of claims 2-4, 6, and 7 under 35 U.S.C. §103(a), and requests allowance of these claims.

Claims 2-4, 6, and 7 are also further distinguishable over the cited references. As one example, dependent claim 6 recites "wherein the lockout mechanism comprises a lockout key for arbitrating control of the server management card between the first LCD panel and the set of user interfaces." There is no teaching or suggestion in Searle that the lock 128 disclosed therein arbitrates control of a server management card between an LCD panel and a set of user interfaces. Applicant identified this lack of teaching in the previously filed Response, but the Examiner has again failed to identify any disclosure in the cited references that teaches or suggests the limitations of claim 6. Applicant respectfully requests allowance of dependent claims 2-4, 6, and 7.

Claims 5 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cranston in view of Searle et al., as applied to claims 1-4, 6, and 7, and further in view of the Background of the present application. With respect to claims 5 and 19, the Examiner stated that "Cranston and Searle disclose all of the limitations of the claimed invention, except for the set of user interface of the server management card including at least one of a second LCD panel, a serial interface, and a LAN interface. The Background of the instant application shows a console communication server systems, each of the servers comprises an RS-232 port/interface, see column 1." (Office Action at para. no. 3, page 3) (emphasis added).

Applicant previously addressed the deficiencies in this argument of the Examiner in the previously filed Response, but no reply was given in the current Office Action. As Applicant has previously pointed out, the Background of the Invention section of the present application discloses that "each server typically includes an RS-232 port". (Specification at page 1) (emphasis added). Thus, the Background discloses that the "server" includes an RS-232 port, but includes no teaching or suggestion regarding a server management card, let alone a server management card that includes a set of user interfaces for configuring the server management card and accessing the stored status information from the server management card, wherein the set of user interfaces of the server management card includes at least one of a second LCD panel, a serial interface, and a LAN interface.

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The Examiner stated with respect to claim 1 that Cranston discloses "a server management card (61, column 4, line 58)". (Office Action at para. no. 2, page 2). Element 61 of Cranston is a riser card that serves as a means for electrically and mechanically connecting accessory cards to planar circuit board 51. (Cranston at col. 4, lines 52-54). The Examiner has not identified any disclosure in Cranston that teaches or suggests that the riser card 61 **monitors and manages operation** of anything, let alone a server system as recited in claim 19. The Examiner has not identified any disclosure in Cranston that teaches or suggests that the riser card 61 **receives and stores status information** from a plurality of printed circuit assemblies, as recited in claim 19. The Examiner's argument ignores words used in claim 19, which is improper under established precedent. "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). "A patent applicant is free to recite features of an apparatus either structurally or functionally." *In re Schreiber*, 44 USPQ2d 1429, 1432 (CAFC 1997) citing *In re Swinehart*, 439 F.2d 210, 212, 169 USPQ 226, 228 (CCPA 1971).

In view of the above, independent claim 19 is not taught or suggested by the cited prior art. Applicant respectfully requests removal of the rejection of claim 19 under 35 U.S.C. §103(a), and requests allowance of this claim. Dependent claim 5 further defines patentably distinct claim 1, is further distinguishable over the cited references, and is believed to be allowable over the cited prior art. Applicant respectfully requests removal of the rejection of claim 5 under 35 U.S.C. §103(a), and requests allowance of this claim.

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-7 and 19 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-7 and 19 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

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The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Response should be directed to either Jeff A. Holmen, Esq. at Telephone No. (612) 573-0178, Facsimile No. (612) 573-2005 or David A. Plettner, Esq. at Telephone No. (408) 447-3013, Facsimile No. (408) 447-0854. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper or papers, as described herein, are being transmitted via facsimile to Facsimile No. (571) 273-8300 on this 15th day of November, 2006.

By: Jeff A. HolmenName: Jeff A. Holmen